

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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CHRISTOPHER KNUDSEN,

Plaintiff,

-against-

THE BETHPAGE UNION FREE SCHOOL
DISTRICT, et al.,

Defendants.
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LINDSAY, Magistrate Judge:

Before the court is defendants' motion to dismiss the case for lack of prosecution, or in the alternative, to compel plaintiff to (i) respond to defendants' discovery requests to supplement his Rule 26(a) Initial Disclosures, interrogatories and document requests; and (ii) appear for a deposition. Plaintiff opposes the application, stating that he served his responses on April 20, 2011 (the date of the discovery deadline) and faxed additional documents on April 21, 2011. Defendants have also submitted a reply to the letter application, which will not be considered by the court. See Local Civil Rule 37.3(c). Defendants' motion is granted, in part.

By Order dated January 3, 2011, the undersigned directed plaintiff to respond to all outstanding discovery demands as well as serve automatic Rule 26 disclosures. Although plaintiff asserts that he has responded to the discovery requests, it appears that he has not responded to defendants' request to supplement the initial disclosures. Accordingly, the plaintiff will be given one final opportunity to supplement his initial disclosures and to respond to any outstanding discovery, if any, by May 16, 2011. In addition, counsel for plaintiff shall contact defense counsel by May 6, 2011 to arrange a time for plaintiff's deposition, which is to be completed by May 16, 2011.

To permit compliance with this order, the court will grant a brief extension of the scheduling order. All discovery, inclusive of expert discovery, must be completed by May 16, 2011. Any party planning on making a dispositive motion shall take the first step in the motion practice by May 31, 2011. A final conference scheduled for May 17, 2011 is adjourned to June 14, 2011 at 11:30 a.m. The parties are directed to electronically file a proposed joint pretrial order prior to the final conference.

Dated: Central Islip, New York
May 2, 2011

SO ORDERED:

_____/s_____
ARLENE R. LINDSAY
United States Magistrate Judge

